

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

GLOBAL LICENSING, INC.,  
a Michigan corporation,

Plaintiff,

vs.

Case 17-13966-GAD-APP  
Hon. Drain

HPSH, LLC, a Michigan limited liability company,  
and  
Alfie Lamar Davison II, an individual,

Defendants.

Jeffrey S. Sherbow (P25324) Matthew S. Wood (P74329) LAW OFFICES OF JEFFREY S. SHERBOW PC 2446 Orchard Lake Road Sylvan Lake, MI 48320 (248) 481-9362 <a href="mailto:jeff@sherbowlaw.com">jeff@sherbowlaw.com</a> <a href="mailto:msw@sherbowlaw.com">msw@sherbowlaw.com</a>	Jay Schloff (P60183) Aidenbaum Schloff and Bloom PLLC 6960 Orchard Lake Road, Suite 250 West Bloomfield, MI 48322 (248) 865-6500 <a href="mailto:jschloff@aidenbaum.com">jschloff@aidenbaum.com</a>

**ANSWER TO COMPLAINT AND  
AFFIRMATIVE AND OTHER DEFENSES**

Defendants, HPSH, LLC and Alfie Lamar Davison II, by their attorneys, Aidenbaum Schloff and Bloom PLLC, answer Plaintiff's Complaint as follows:

**PARTIES**

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Complaint.
2. Defendants admitted to HPSH, LLC, as a Michigan limited liability company operating in the state of Michigan, and deny that the address is the principal place of business.

3. Defendants deny that that is the address of Defendant Davison's residence and admits that he is a member and owner of Defendant HPSH, LLC. Defendants deny the remaining allegations contained in paragraph 3 of the Complaint.

### **JURISDICTION AND VENUE**

4. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Complaint.

5. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint.

6. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Complaint.

7. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Complaint.

8. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Complaint.

### **NATURE OF THE CASE**

9. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Complaint.

10. Denied.

### **COMMON ALLEGATIONS**

11. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint.

12. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint.

13. Defendants deny that a family of marks exist and otherwise are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Complaint.

14. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint.

15. Denied.

16. Denied.

17. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Complaint.

18. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Complaint.

19. Denied.

### **INFRINGEMENT**

20. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint.

21. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint.

22. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of constructive knowledge of the Complaint, and otherwise deny remaining allegations.

23. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of actual knowledge of the Complaint, and otherwise deny remaining allegations.

24. Denied.

### **COUNT I**

25. Defendants reallege and incorporate herein paragraphs 1 through 24 of this answer.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

### **COUNT II**

32. Defendants reallege and incorporate herein paragraphs 1 through 31 of this answer.

33. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 of the Complaint.

34. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Complaint.

35. Denied.

36. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 of the Complaint.

37. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of the Complaint.

38. Denied.

39. Denied.

40. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 of the Complaint.

41. Denied.

42. Denied.

43. Denied.

44. Denied.

45. Denied.

46. Denied.

47. Denied.

48. Defendants deny as to any unauthorized use or infringement.

### **COUNT III**

49. Defendants reallege and incorporate herein paragraphs 1 through 48 of this answer.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

#### **COUNT IV**

57. Defendants reallege and incorporate herein paragraphs 1 through 56 of this answer.

58. Denied.

59. Denied.

60. Denied.

61. Denied.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

#### **COUNT V**

69. Defendants reallege and incorporate herein paragraphs 1 through 68 of this answer.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

74. Denied.

**COUNT VI**

75. Defendants reallege and incorporate herein paragraphs 1 through 74 of this answer.

76. Denied.

77. Denied.

78. Denied.

79. Denied.

80. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 80 of the Complaint.

81. Denied.

82. Denied.

83. Denied.

84. Defendants deny as to unfair competition and otherwise are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 84 of the Complaint.

85. Denied.

**COUNT VII**

86. Defendants reallege and incorporate herein paragraphs 1 through 85 of this answer.

87. Denied.

88. Denied.

89. Denied.

90. Denied.

91. Denied.

92. Denied.

93. Denied.

94. Defendants deny as to violation of the Michigan Uniform Trade Practices Act and otherwise are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 94 of the Complaint.

95. Denied.



WHEREFORE, Defendants pray that Plaintiff's Complaint be dismissed with prejudice and award Defendants costs and attorney fees wrongfully incurred in having to appear and defend in this matter.

Correspondence Address:

Please direct all communications to:

Jay M. Schloff  
Aidenbaum Schloff and Bloom PLLC  
6960 Orchard Lake Road, Suite 250  
West Bloomfield, MI 48322  
(248) 865-6500  
jschloff@aidenbaum.com

Respectfully submitted,

**AIDENBAUM SCHLOFF AND BLOOM PLLC**

/Jay Schloff/

DATED: January 17, 2018

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Jay M. Schloff  
Attorneys for Defendants  
6960 Orchard Lake Road, Suite 250  
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(248) 865-6500  
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**AFFIRMATIVE AND/OR SPECIAL DEFENSES**

1. Plaintiff's marks are generic.
2. Plaintiff's marks are not famous within the meaning of 15 U.S.C. § 1125(c).
3. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
4. Plaintiff's Complaint is barred in whole or in part by the statute of limitations and/or the doctrine of laches.

5. Plaintiff's action is barred or Plaintiff is not entitled to relief due to Plaintiff's acquiescence to Defendants' use of the mark in question.

6. By its acts and omissions, Plaintiff has consented to and has waived, and is estopped from complaining about any alleged acts or omissions by the Defendants, which acts or omissions Defendants deny, and Defendants are excused from any liability to the Plaintiff for such acts and omissions.

7. Plaintiff's action is barred or Plaintiff is not entitled to relief for the reason that the alleged acts or omissions by Defendants, which acts or omissions Defendants deny, were made in good faith after the exercise of reasonable care by Defendants.

8. Plaintiff has failed to take any action to mitigate damages, if any.

9. Plaintiff's action is barred and/or Plaintiff is not entitled to relief for the reason that Defendants were not enriched by the conduct alleged in Plaintiff's Complaint.

10. Plaintiff's action is barred or Plaintiff is not entitled to relief for the reason that Defendants' actions were based solely upon legitimate business reasons and fall within the business judgment rule.

11. Plaintiff's action is barred or Plaintiff is not entitled to relief for the reason that no consumer confusion exists between the parties' marks.

12. Plaintiff's action is barred or Plaintiff is not entitled to relief for the reason that Plaintiff has not suffered any damages and has not articulated any specific damages that it has allegedly suffered.

13. Plaintiff's action is barred or Plaintiff is not entitled to relief for the reason that Plaintiff's mark will not be diluted by allowing use of Defendants' mark.

14. Plaintiff's action is barred or Plaintiff is not entitled to relief for the reason that Defendants have not infringed, did not infringe, and is not infringing on any of Plaintiff's marks and/or any alleged copyright possessed by Plaintiff.

Respectfully submitted,

**AIDENBAUM SCHLOFF AND BLOOM PLLC**

/Jay Schloff/

DATED: January 17, 2018

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Jay M. Schloff  
Attorneys for Defendants  
6960 Orchard Lake Road, Suite 250  
West Bloomfield, MI 48322  
(248) 865-6500  
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**RESERVATION OF RIGHTS**

Defendants reserve the right to supplement or amend its responses and affirmative defenses as necessary through the course of discovery and/or its investigation of this matter.

Respectfully submitted,

**AIDENBAUM SCHLOFF AND BLOOM PLLC**

/Jay Schloff/

DATED: January 17, 2018

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Jay M. Schloff  
Attorneys for Defendants  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2018 I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

/Sara Sturing/

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Sara Sturing

Date: January 17, 2018

I hereby certify that I have mailed by electronic mail (with permission) the paper to the following participant:

Jeffrey S. Sherbow, Esq.  
Law Offices of Jeffrey S. Sherbow PC  
2446 Orchard Lake Road  
Sylvan Lake, MI 48320  
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/Jay Schloff/

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Jay Schloff

Date: January 17, 2018